

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

SCOTT KONITZER,
also known as, DONNA DAWN KONITZER,

Plaintiff,

v.

Case No. 03-C-717

MATTHEW J. FRANK, TOM MICHLOWSKI,
MARIO CANZIANI, SHARON ZUNKER,
TOM SPEECH, DR. DAVID BURNETT,
and BYRAN BARTOW,

Defendants.

ORDER DENYING PLAINTIFF'S MOTION TO REOPEN CASE (DOC. #278),
DENYING PLAINTIFF'S MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS
ON APPEAL (DOC. #280), DENYING AS MOOT PLAINTIFF'S MOTION TO STAY
(DOC. #283), DENYING PLAINTIFF'S MOTION TO SEAL (DOC. #289), DENYING AS
MOOT PLAINTIFF'S MOTION FOR RELIEF (DOC. #291), DENYING AS MOOT
PLAINTIFF'S MOTION TO FILE SURREPLY (DOC. #300), AND DISMISSING CASE

This matter was before the court for a hearing on the plaintiff's motion to reopen the case. (See Court Minutes, December 17, 2010 Hearing.) During the hearing, the court received Exhibit A, Substantive Provisions of Settlement Agreement ("Settlement Agreement"), signed by Plaintiff Konitzer, Attorney Kathy L. Nusslock, Attorney Jody J. Schmelzer, and Deputy Secretary of the Wisconsin Department of Corrections Timothy C. Lundquist on September 1, 2010. Upon consideration of the parties' written submissions and their statements at the hearing, the Settlement Agreement will be approved.

During the hearing the court stated that it would look into plaintiff's request to file an appeal based on denial of the motion to reopen the case. In view of subsequent discussions and this order, it is not clear whether Konitzer still wishes to pursue any

appeal. Hence, the pending motion for leave to appeal will be denied. However, if Konitzer decides to pursue an appeal, a new notice of appeal and petition for leave to proceed *in forma pauperis* on appeal may be filed. Finally, the court finds that there is no need to seal any documents as requested in Konitzer's motion to seal. Now, therefore,

IT IS ORDERED that plaintiff's motion to reopen case (Docket #278) is **DENIED**.

IT IS FURTHER ORDERED that plaintiff's motion for leave to proceed *in forma pauperis* on appeal (Docket #280) is **DENIED**.

IT IS FURTHER ORDERED that plaintiff's motion to stay (Docket #283) is **DENIED AS MOOT**.

IT IS FURTHER ORDERED that plaintiff's motion to seal (Docket #289) is **DENIED**. The Clerk's Office shall confirm the documents conform with Federal Rule of Civil Procedure 5.2 prior to unsealing the documents.

IT IS FURTHER ORDERED that plaintiff's motion for relief (Docket #291) is **DENIED AS MOOT**.

IT IS FURTHER ORDERED that plaintiff's motion to file surreply (Docket #300) is **DENIED AS MOOT**.

IT IS FURTHER ORDERED that this case is **DISMISSED** except as necessary for the court's retention of jurisdiction. See *Shapo v. Engle*, 463 F.3d 641, 643, 646 (7th Cir. 2006).

IT IS ALSO ORDERED that the court will retain jurisdiction of this matter as set forth in the parties' Settlement Agreement for one year from the date of entry of

judgment. Thus, within one year, any party to this action may move to reopen this case for the sole purpose of enforcing the Settlement Agreement.

Dated at Milwaukee, Wisconsin, this 27th day of December, 2010.

BY THE COURT

/s/ C. N. Clevert, Jr.
C. N. CLEVERT, JR.
Chief U.S. District Judge